

Air

From page A1

New England on the East Coast. Some areas that would be newly included under the stricter standard include Indianapolis and Cleveland's Cuyahoga County in the Midwest; Mobile, Ala., and Jacksonville, Fla., in the South and El Paso, Texas, and Tulsa, Okla., out West.

All of Florida and Oklahoma currently comply with the smog standard. Nine counties in each state are unable to meet the tougher requirement.

Johnson's decision is likely to be met with sharp criticism from health experts and some members of Congress accused the EPA chief of ignoring the science. The new standard goes counter to the recommendations of two of the agency's scientific advisory panels — one on air quality and the other on protection of children.

The new EPA standard will lower the allowable concentration of ozone in the air to no more than 75 parts per billion, compared with the old standard of 80.

The science boards had told the agency that limits of 60 to 70 parts per billion are needed to protect the nation's most vulnerable citizens, especially children, the elderly and people suffering from asthma and other

California counties

Counties in California that currently do not meet the EPA's new health standard for smog.

Alameda, Amador, Butte, Calaveras, El Dorado, Fresno, Imperial, Inyo, Kern, Kings, Los Angeles, Madera, Mariposa, Merced, Nevada, Orange, Placer, Riverside, Sacramento, San Bernardino, San Diego, San Joaquin, Santa Clara, Shasta, Stanislaus, Sutter, Tehama, Tulare, Tuolumne, Ventura, Yolo.

Source: Associated Press

respiratory illnesses.

Johnson said he took those recommendations into account, but disagreed with the scientists.

"In the end it is a judgment. I followed my obligation. I followed the law. I adhered to the science," said Johnson in a conference call with reporters.

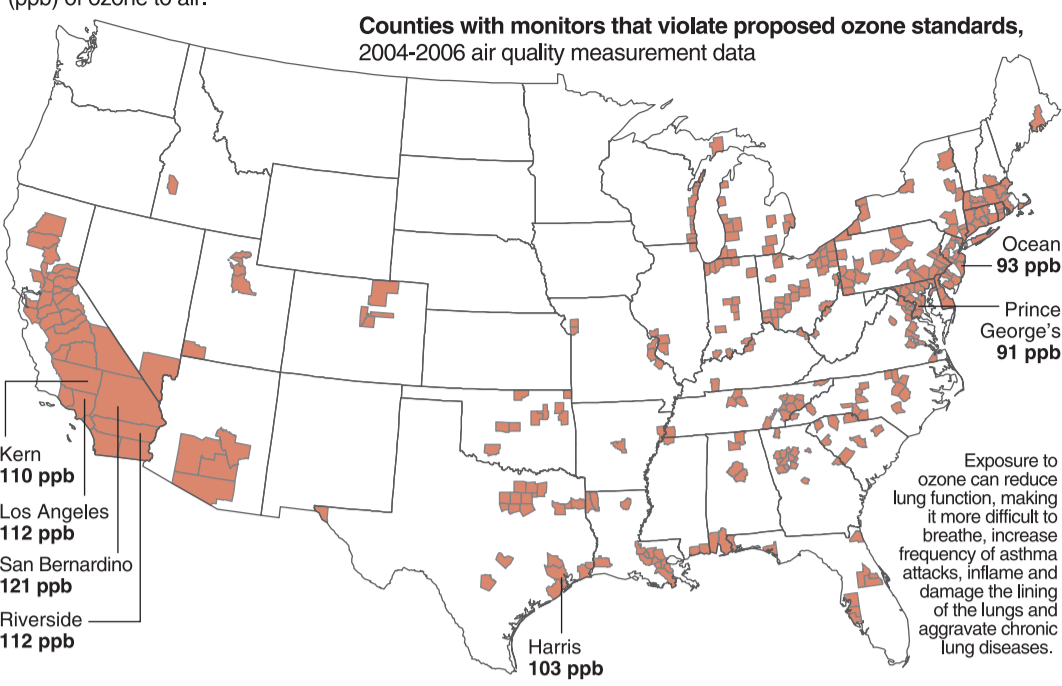
Johnson said he did not consider the cost of meeting the new air standard. States and counties would have to require emission reductions from factories, power plants and cars to meet the tougher health rules.

The EPA estimated that compliance with a 75 parts-per-billion smog standard would cost \$7.6 billion to \$8.5 billion a year and "yield health benefits valued between \$2 billion and \$19 billion."

"Benefits are likely greater than the cost of implementing the standards," said the EPA in a

More than 300 counties break ozone laws

Under new standards by the EPA, 345 counties are in violation of producing more than 75 parts per billion (ppb) of ozone to air.



SOURCE: Environmental Protection Agency

statement.

Electric utilities, oil companies and other businesses had lobbied hard for leaving the smog rule alone, saying the high cost of lower limits could hurt the economy.

The federal Clean Air Act requires that health standards for ozone and a handful of other air pollutants not take costs into

account.

But Johnson said that ought to change. He said the Bush administration plans to propose legislation to Congress to overhaul the 1970 law so that in the future costs can be considered when setting health standards.

Any such move is likely to be met with strong opposition in Congress. Health experts and

environmentalists view the setting of health standards without consideration of cost as essential for assuring public health.

Such changes "would gut the Clean Air Act which has saved countless lives and protected the health of millions of Americans for more than 35 years," said Sen. Barbara Boxer, D-Calif., chairman of the Senate

Moth

From page A1

beetles, while the moth became resistant to the pesticide, the report said.

Two years after the pesticide was eliminated, the light brown apple moth population dwindled in New Zealand. Harder and Rosendale wrote that the moth's natural insect predators rebounded, keeping the moth in check.

"The level of damage is relatively small under our control program," Butcher said. "Now we're using a softer program and getting much better control."

The light brown apple moth is a kind of leaf roller moth, so called because the larvae roll leaves around themselves, like the wrapper of a cigar.

There are 85 other leaf roller moths living in California, Harder and Rosendale reported. Some of them are non-native, but none are considered pests.

Rosendale and Harder believe this is because they are held in check by natural predators, and there is no reason to think the light brown apple moth will be any different.

"Usually the insects that attack leaf rollers are general," said Butcher, the New Zealand entomologist. "I would expect your native predators to move onto the light brown apple moth as well as they attack native leaf rollers."

The state Department of Food and Agriculture sprayed a pheromone pesticide over Santa Cruz and Monterey counties last fall in an attempt to eradicate the moth, which it considers a danger to the state's plant life. The department plans to resume aerial spraying over Monterey County in June.

Officials at the department said they do not believe the report has relevance to California, and said their plans for

Green group pulls moth spray support

By RACHEL TOMPA
Herald Staff Writer

An organic farming organization reversed its stance on the state Department of Food and Agriculture's aerial spraying plan to combat the invasive light brown apple moth.

California Certified Organic Farmers, one of the country's oldest and largest organic farming memberships, announced this week that it no longer supports aerial spraying of the pheromone pesticide.

"There's not enough solid data to discuss either the environmental impacts or health impacts to our satisfaction," said Peggy Miars, executive director of CCOF. "And we're concerned about the spray's use in populated areas."

When they first heard about the light brown apple moth problem a year ago, the group was worried that the state Department of Food and Agriculture would use toxic chemicals to combat it, Miars said. So they contacted the department and urged it to use an organic-friendly

aerial spraying remain unchanged.

"It's difficult to speculate what would occur in California based on what has or has not happened in New Zealand," said Steve Lyle, spokesman for the department.

"If that's the case, why would they want to hold their pheromone trials there?" Rosendale asked, referring to the U.S.

method to control the moth.

When the department announced in August 2007 that it would use a pheromone to eradicate the moth, the CCOF was surprised, Miars said. They decided to support the decision because the pheromone was approved for organic use.

But after hearing public concern about the spray, the group discussed changing its position, Miars said.

"We support the use of pheromones in ground treatments," Miars said.

The public reaction to the change has been positive, Miars said.

"People are happy we changed our position, but I don't think it will change what the CDFA is going to do," she said.

When asked if officials at the state Department of Food and Agriculture will work with the CCOF to come up with a plan amenable to both groups, Steve Lyle, spokesman for the department, said "We'll continue to work with the CCOF to share information with them about the program."

Department of Agriculture's tests of the pheromone spray under way in New Zealand. The areas Rosendale and Harder visited have similar climate and terrain to the central California coast, he said.

"There's no reason to expect that this moth that's been introduced out of Australia into Tasmania and into New Zealand and the U.K. and Hawaii, where it

hasn't become a problem, would act any differently here in California," Harder said.

The U.S. Department of Agriculture assembled a technical working group of scientists with expertise on the light brown apple moth, Lyle said.

"The group believes it is a threat to plant life and agriculture here in California," he said. "That's information that we're taking at face value."

The CDFA announced Tuesday that Canada and Mexico have revised their regulations for crops imported from California, making it more difficult for California growers to certify that their crops are free of the moth, Lyle said.

The moth is an invasive species in California, and was first found here in 2007, according to the state Department of Food and Agriculture.

But according to research by James Carey, entomologist at the University of California-Davis, in order for the moth to have reached its current range of 8,000 to 10,000 square miles, it must have been living in California for much longer. Carey estimates that the moth has been in California for 30 to 50 years.

If so, the light brown apple moth may already be culled by natural predators, since it has not yet caused any significant damage here, Rosendale and Harder said.

"The results of this study are significant," Assemblyman John Laird, D-Santa Cruz, who has voiced concerns about the state's spraying plan, said in a written statement. "From the start, I've called for a more open public process that is based on sound science, including independent third-party review."

Rosendale hopes his report will spur further research.

"We need more scientists here in California studying this insect," he said.

Spitzer

From page A1

aides said, he decided to resign.

"He thought he should resign from the very beginning," a close adviser recalled. But family members and close friends, including his wife, urged him to fight.

That was before the sordid details seeped out — including that law enforcement officials say the February tryst the governor was recorded arranging was hardly his first.

"I cannot allow my private failings to disrupt the people's work," Spitzer said Wednesday, his weary-looking wife at his side.

He announced his resignation without securing a plea bargain from federal prosecutors, though a law enforcement official said the governor was believed to be negotiating one. The official spoke on condition of anonymity.

Spitzer will be succeeded on Monday by Lt. Gov. David Paterson, a fellow Democrat who becomes New York's first black governor and the nation's first legally blind chief state executive.

Spitzer's dizzying downfall was met with glee among many on Wall Street, where he was seen as a sanctimonious bully for attacking big salaries and abusive practices in the financial industry when he was New York's attorney general. His resignation brought relief at the state Capitol in Albany after days of excruciating tension and uncertainty.

"Some rules can't be broken, and when they are broken there are consequences," said state Assemblyman John McEneny, a Democrat. "In this case, one of the most promising careers I've seen in a generation."

The scandal erupted

Environment and Public Works Committee.

"It's disheartening that once again EPA has missed a critical opportunity to protect public health and welfare by ignoring the unanimous recommendations of its independent science advisers," said William Becker, executive director of the National Association of Clean Air Agencies, whose members will be developing programs to meet the federal air quality requirement.

Becker acknowledged that the tighter the standard the more difficult it will be to meet, but he said: "The public deserves the right to know whether the air they breathe is healthy."

In recent weeks, some of the most powerful industry groups in Washington have waged an intense lobbying campaign at the White House, urging the administration to keep the current standard.

Electric utilities, the oil and chemical industries and manufacturing groups argued that lowering the standard would require states and local officials to impose new pollution controls, harming economic growth, when the science has yet to determine the health benefits conclusively. The 80 parts per billion standard was enacted by the EPA in 1997, but its implementation was delayed for several years because of court challenges by industry groups.

Monday after federal law enforcement officials disclosed that a wiretap caught the 48-year-old spending thousands of dollars on a call girl at a fancy Washington hotel the night before Valentine's Day.

Investigators said he had arranged for a prostitute named Kristen to take the train from New York while he was in the nation's capital to testify before a congressional subcommittee about the bond industry.

The New York Times reported Wednesday that the woman's real name is Ashley Alexandra Dupre. She declined to comment when asked by the Times when she first met Spitzer and how many times they had been together.

Law enforcement officials said the governor — the millionaire heir to a New York real estate fortune — hired prostitutes several times before and had spent tens of thousands of dollars, and perhaps as much as \$80,000, on the high-priced escort service Emperors Club VIP, whose women charge as much as \$5,500 an hour.

Spitzer and his wife rode in a black SUV from their Fifth Avenue apartment to his New York City office to announce his resignation, a trip whose every move was captured by TV helicopters. During the news conference, he and his wife stood inches apart, never touching as they entered or left the room.

Speaking in a strong and steady voice, he apologized for his actions and said: "Over the course of my public life, I've insisted, I believe correctly, that people regardless of their position or power take responsibility for their conduct. I can and will ask no less of myself."

He did not address the allegations in any detail in the less than three-minute statement, and left without taking questions.

Gene

From page A1

cancer cells and removed the SATB1 protein from them and then injected them into the bloodstream of mice. The mice formed normal lung tumors with smooth, discrete edges that rarely spread beyond the lungs.

Next, they took regular, non-metastatic human breast cancer cells and added SATB1 before injecting them into the mice. The mice developed aggressive lung tumors that often spread to other parts of the body.

This shows that this single protein can turn on genes that cause breast cancer to run wild, and that if the protein isn't there, the cancer cells remain mellow.

When SATB1 calls the shots, genes that are known to be bad breast cancer genes are increased, and genes that can hold tumors in check are decreased.

"We see over a thousand genes that change their expression level," said Kohwi-Shigematsu.

The team tested human breast cancer cells from 28 different cases. They found that the survival time from diagnosis was

correlated with the level of SATB1 in the cells. High amounts of the protein correlated with the shortest survival, while the absence of the protein correlated with longer survival.

A big question that remains is what controls whether SATB1 is present or not.

"There must be a turning point where breast cancer cells start producing SATB1," Kohwi-Shigematsu said. "If we can find that and stop it, we can confine breast cancer cells to the breast."

There are several hurdles to be cleared before the discovery can become a treatment, including finding a way to turn off the protein such as an antibody or chemical, and devising a way to deliver it to the cells.

The detection of SATB1 in a patient's cancer cells could be used to evaluate that patient's prognosis and help determine a course of treatment. High levels of the protein, even in a small tumor caught early, means the cancer will almost undoubtedly metastasize if not treated swiftly and aggressively.

This technique could be available relatively quickly, Kohwi-Shigematsu said, but it will take interest from a drug company or other industry partner.

Salmon

From page A1

pronounced in California's Sacramento River fall run of chinook salmon, which produce more than 80 percent of the salmon caught off the California coast.

Last year's return of spawning adults was less than 90,000, the second lowest figure on record. Worse, the number of returning two-year-olds — a key predictor of the 2008 return — was a record low, meaning this year is likely to be much worse.

On Tuesday, scientists informed the council that even without any salmon fishing, the return of Sacramento River fall run was expected to be fewer than 60,000, or less than half of the minimum target set by regulations.

"There's not going to be any fisheries this year that have any impacts on the Central Valley run," said Duncan

MacLean, a commercial salmon fisherman from Half Moon Bay and the industry's California representative to the council.

"I'm totally disgusted," he said. "I am sick and tired of putting myself and my family through this."

Agency scientists for the most part blamed a shift in ocean conditions along the West Coast for the problems.

But others, including the head of the fishery management council, contend the shift can't account for the severity of the problem with Sacramento River salmon.

MacLean and other anglers blame the problem instead on water management in the Delta and throughout the Central Valley.

"This is like going to debtors prison for your father's sins," MacLean said. "This is working it's way up the food chain. It started with the Delta smelt (which appears to be close to extinction) and it's working it's way up."



Feisty former Ohio Sen. Metzenbaum dies

WASHINGTON (AP) — Former Sen. Howard Metzenbaum, an Ohio Democrat who was a feisty self-made millionaire before he began a long career fighting big business in the Senate, died Wednesday night. He was 90.

Metzenbaum died at his home near Fort Lauderdale, Fla., said Joel Johnson, his former chief of staff. No cause was given.

During 18 years on Capitol Hill, from 1977 to 1995, Metzenbaum came to be known as "Senator No" and "Headline Howard" for his abilities to block legislation and get publicity for himself.

He was a cantankerous firebrand who didn't need a microphone to hold a full auditorium spellbound while dropping rhetorical bombs on big oil companies, the insurance industry, savings and loans, and the

National Rifle Association, to name just a few favorite targets.

Unabashedly liberal, the former labor lawyer and union lobbyist considered himself a champion of workers and was a driving force behind the law requiring 60-day notice of plant closings.

When other liberals shied away from that label, Metzenbaum embraced it, winning re-election in 1988 from Ohio voters who chose Republicans for governor and president, and by wider margins than either George Voinovich or George H.W. Bush.

That victory produced his third, final and most productive term in the Senate. When it was over, in 1995, he started a new career as consumer advocate, heading the Consumer Federation of America.



Metzenbaum